

1 LOWELL C. BROWN (SBN 108253)  
lowell.brown@afslaw.com  
2 DEBRA J. ALBIN-RILEY (SBN 112602)  
debra.riley@afslaw.com  
3 **ARENTFOX SCHIFF LLP**  
555 West Fifth Street, 48th Floor  
4 Los Angeles, CA 90013  
Telephone: 213.629.7400  
5 Facsimile: 213.629.7401

6 Attorneys for Defendant  
THE MEDICAL STAFF OF SAINT AGNES MEDICAL  
7 CENTER

8 DANIEL HOROWITZ (SBN 92400)  
horowitz@physiciandefense.lawyer  
9 **LAW OFFICE OF DANIEL HOROWITZ**  
3650 Mt. Diablo Blvd., Ste. 225  
10 Lafayette, CA 94549  
Telephone: (925) 283-1863

11 Attorneys for Plaintiff  
12 GAIL MALLARD-WARREN, M.D.

13 [Additional Counsel Listed on Next Page]

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

16 GAIL MALLARD-WARREN, M.D.,

17 Plaintiff,

18 v.

19 SAINT AGNES MEDICAL CENTER, THE  
MEDICAL STAFF OF SAINT AGNES  
20 MEDICAL CENTER and TRINITY HEALTH  
INC., NANCY HOLLINGSWORTH, and  
21 DOES 1-100,

22 Defendants.

Case No. 1:21-CV-01530-JLT-BAM

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO EXTEND  
TIME CONCERNING INITIAL  
DISCLOSURES, FILE RESPONSIVE  
PLEADINGS AND TO ESTABLISH  
RELATED DEADLINES**

**(E.D.L.R. 144(a))**

Judge: Jennifer L. Thurston  
Magistrate Judge: Barbara A. McAuliffe

Date Action Filed: October 15, 2021  
Trial Date: None Set

[Additional Counsel from Prior Page:]

CHARLES BOND (SBN 60611)

cb@physiciansadvocates.com

**PHYSICIANS' ADVOCATES**

2033 N. Main St., Ste. 340

Walnut Creek, Ca 94596

Telephone: (510) 841-7500

cb@physiciansadvocates.com

KARINA JOHNSON (SBN 243099)

kjohnsonlaw@outlook.com

**c/o PHYSICIANS ADVOCATES**

2033 N. Main St., Ste. 340

Walnut Creek, Ca 94596

Telephone: (510) 841-7500

Attorneys for Plaintiff

GAIL MALLARD-WARREN, M.D.

WILLIAM C. HAESY (SBN 105743)

bill@haesylaw.com

**LAW OFFICES OF WILLIAM C. HAESY**

5260 N. Palm Avenue, Suite 400

Fresno, CA 93704

Telephone (559) 579-1230

Attorney for Defendants SAINT AGNES MEDICAL CENTER, TRINITY HEALTH CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY HOLLINGSWORTH

**THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF  
RECORD:**

**PLEASE TAKE NOTICE** that Plaintiff, GAIL MALLARD-WARREN, M.D. (“Plaintiff”), by and through her attorneys, and Defendants SAINT AGNES MEDICAL CENTER, THE MEDICAL STAFF OF SAINT AGNES MEDICAL CENTER, TRINITY HEALTH CORPORATION, and NANCY HOLLINGSWORTH, by and through their attorneys, (collectively, “the Parties”) hereby stipulate as follows:

**RECITALS**

1. On October 15, 2021, Plaintiff filed the Complaint in this matter.
2. On December 20, 2021, as corrected on December 22, 2021, the parties filed a Stipulation to Extend Time for Defendants to File Responsive Pleadings, in which the parties agreed to extend Plaintiff’s time to file an amended complaint and Defendants’ time to respond.
3. On January 11, 2022, the Court granted the joint stipulation and extended (i) the time for Plaintiff to file the First Amended Complaint (“FAC”) to on or before February 7, 2022, (ii) the time for Defendants to file responsive pleadings from January 14, 2022 to within 30 days after the FAC was filed, and (iii) the time for Defendants to file an anti-SLAPP motion, if any, to 60 days after the FAC was filed.
4. On January 19, 2022, the parties filed the Stipulation Between Parties Concerning Initial Disclosures, thereby stipulating that pursuant to Rule 26 of the Federal Rules of Civil Procedure the Initial Disclosures shall be provided on or before April 15, 2022.
5. On February 7, 2022, Plaintiff filed his FAC.
6. On March 8, 2022, Defendants Saint Agnes Medical Center, Trinity Health Corporation, and Nancy Hollingsworth (the “Hospital Defendants”) filed their Motion to Dismiss Counts One, Two, Three, Four and Five of the FAC (“Motion to Dismiss”).
7. On March 9, 2022, Defendant the Medical Staff of Saint Agnes Medical Center joined in the Motion to Dismiss and filed its Notice of Joinder and Joinder to the Hospital Defendants’ Motion to Dismiss (“Joinder Motion”).
8. On March 10, 2022, the Court issued a Minute Order stating that the Motion to

1 Dismiss and Joinder Motion would be decided on the papers and no hearing would be calendared.  
2 The Court further informed the parties that due to a significant backlog it “may still be many  
3 months until the motion in this matter is resolved.”

4 9. On March 22, 2022, the parties filed the Joint Stipulation to Extend Time  
5 Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines.

6 10. On April 12, 2022, the Court issued an order granting the Joint Stipulation and set  
7 (1) the deadline for Plaintiff to file an Opposition to the Motion to Dismiss as May 12, 2022,  
8 (2) the deadline for Defendants to file an anti-SLAPP motion, if any, as May 31, 2022; (3) the  
9 deadline for Defendants to file Replies in support of the Motion to Dismiss as May 25, 2022; and  
10 (4) the Parties’ deadline for serving Initial Disclosures as June 6, 2022.

11 11. On May 13, 2022, the parties filed a further Joint Stipulation to Extend Time  
12 Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines.

13 12. On May 13, 2022, the Court issued an order granting the Joint Stipulation and set  
14 (1) ) the deadline for Defendants to file an anti-SLAPP motion, if any, as July 8, 2022; (2) the  
15 deadline for Defendants to file Replies in support of the Motion to Dismiss as July 25, 2022; and  
16 (3) the Parties’ deadline for serving Initial Disclosures as July 15, 2022.

17 13. Diane Roldan, one of the principal attorneys at ArentFox Schiff responsible for  
18 representing the Medical Staff of Saint Agnes Medical Center, recently left the firm. Additional  
19 time is needed for other ArentFox Schiff attorneys to become familiar with the matter.

20 14. Plaintiff’s counsel is currently out of the country from May 27, 2022, to July 3,  
21 2022.

22 15. The Parties are currently engaged in good faith attempts to explore a potential  
23 mediation. The Parties have identified mutually-agreeable mediators and are cooperating on  
24 resolving other parameters for the mediation. Because of counsels’ schedules and Ms. Roldan’s  
25 departure, additional time is needed to resolve issues surrounding the mediation issues.

26 16. Accordingly, the parties have agreed, and request that the Court order, that the  
27 following deadlines be extended:

28 a. Defendants’ deadline for filing an anti-SLAPP Motion, if any, currently set as

1 July 8, 2022, be extended to July 25, 2022.

2 b. Defendants' deadline for filing Replies in support of the Motion to Dismiss,  
3 will remain as July 25, 2022.

4 c. The Parties' deadline for filing Initial Disclosures, currently set as July 15 ,  
5 2022, be extended to August 15, 2022.

6 d. Pursuant to Judge Thurston's minute order (Doc. 22), no hearing date will be  
7 calendared.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**STIPULATION**

IT IS HEREBY STIPULATED by the parties and their respective undersigned attorneys that, subject to the Court's approval, the following deadlines be extended as set forth herein:

- a. Defendants' deadline for filing an anti-SLAPP Motion, if any, currently set as July 8, 2022, be extended to July 25, 2022.
- b. Defendants' deadline for filing Replies in support of the Motion to Dismiss, currently remains as July 25, 2022.
- c. The Parties' deadline for serving Initial Disclosures, currently set as July 15, 2022, be extended to August 15, 2022.
- d. Pursuant to Judge Thurston's minute order (Doc. 22), no hearing date will be calendared.

THROUGH COUNSEL OF RECORD, IT IS SO STIPULATED.

Dated: June 30, 2022

**LAW OFFICES OF DANIEL HOROWITZ**

By: /s/DANIEL HOROWITZ\*  
DANIEL HOROWITZ  
Attorneys for Plaintiff

Dated: June 30, 2022

**LAW OFFICES OF WILLIAM C. HAESY**

By: /s/WILLIAM C. HAESY\*  
WILLIAM C. HAESY  
Attorney for Defendants Saint Agnes Medical  
Center, Trinity Health Corporation, and Nancy  
Hollingsworth

Dated: June 30, 2022

**ARENTFOX SCHIFF LLP**

By: /s/ DEBRA J. ALBIN-RILEY  
DEBRA J. ALBIN-RILEY  
Attorneys for Defendant the Medical Staff of  
Saint Agnes Medical Center

\* As authorized June 30, 2022.

**ORDER**

The Court having considered the parties' Joint Stipulation To Extend Time Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines and for good cause shown, **HEREBY ORDERS AS FOLLOWS:**

- a. Defendants' deadline for filing an Anti-SLAPP Motion, if any, currently set as July 8, 2022, be extended to on or before July 25, 2022.
- b. Defendants' deadline for filing Replies in support of the Motion to Dismiss, remains as July 25, 2022
- c. The Parties' deadline for serving Initial Disclosures, currently set as July 15, 2022, be extended to August 15, 2022.
- d. Pursuant to Judge Thurston's minute order (Doc. 22), no hearing date will be calendared.

IT IS SO ORDERED.

Dated: July 5, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE